

EXHIBIT 4

Aisha Bembry

From: Haefele, Robert <rhaefele@motleyrice.com>
Sent: Monday, January 24, 2022 10:00 AM
To: Aisha Bembry; Waleed Nassar
Cc: Flowers, Jodi; Carter, Sean; Tarbutton, Scott; Kreindler, Jim; Andrew J. Maloney; Goldman, Jerry S.; Strong, Bruce; Eubanks, John; Heyl, C. Ross; Haileselassie, Jade; Cashion, Richard
Subject: [External Email] Defendants' Request for Plaintiffs to Withdraw Winer Declaration based on claim it skirts ECF No. 7160

Dear Aisha –

I am writing in response to your recent request that the Plaintiffs' Executive Committee agree to withdraw the declaration of Jonathan Winer filed with the Plaintiffs' opposition to your Daubert motion. To clarify, when we spoke on Thursday, I asked you to explain the rationale for defendants' request and the sole rationale that you offered was your view that the declaration was an effort by the Plaintiffs to skirt the Court's page length for briefing the Daubert motions, citing only the Court's order at ECF No. 7160 (setting a 40-page limit for plaintiffs' opposition brief).

We have looked at the issue and do not believe the position you articulated has merit. To the contrary, the law and the practice in the MDL, including by defendants, indicates that Mr. Winer's declaration is entirely appropriate. Accordingly, we do not agree that the declaration violates the Court's order setting page limits for the Daubert briefing and will not agree to withdraw the declaration.

Regards,

Robert Haefele | Attorney at Law | Motley Rice LLC
28 Bridgeside Blvd. | Mt. Pleasant, SC 29464
o. 843.216.9184 | f. 843.216.9450 | rhaefele@motleyrice.com

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